

REMARKS

Table 1 has been amended at pages 14 and 15 so that the chemical formulae listed in the R4 and R5 column corresponds to the chemical structure provided in the Structure column. These amendments are being made to correct minor editorial problems, no new matter is being entered into the application, and entry of these amendments is respectfully requested. Replacement pages 14 and 15 are provided for the convenience of the Examiner.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that the term “-All” is a relative term that renders the claim indefinite. Apparently, the Examiner believes that the term is a reference to the word “all” but this is in error. The term “-All” is a well-accepted shorthand reference to the “allyl” group. As such, it is clear of any indefiniteness. The Examiner also asserted that the term “derivative” made the claim indefinite. This language has been removed from the claim. Reconsideration and withdrawal of the Section 112 rejections in light of the foregoing amendments and these comments is respectfully requested.

Claim 1 has been amended to define the claims to better encompass the disclosure in the specification. The original inclusion of -Me, a type of alkyl group, in both the claim and the specification, support the inclusion of “-alkyl” groups to R1, R2, and R3. The Bn- included in the original claim supports the additional inclusion of -aryl groups to R1, R2, and R3, as benzene is the most basic of the -aryl groups. The inclusion of -alkenyl groups to the claim is supported by the inclusion of “-All”, or “-allyl” groups in the original claim. The general formula for -allyl groups is -CH=CH-CH_2 , which supports the use of the alkenyl group which has a general formula $\text{-CH}_2\text{-CH=CH}_2$. The inclusion of the alkynyl group is supported by the fact that it is well known in the art to substitute an -alkynyl group for an -allyl or -alkenyl group.

The application has been amended to correct minor informalities, to further distinguish the application over the prior art, and to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as a result of the foregoing modifications.

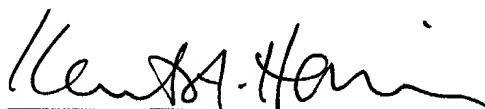
Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-5, 7-10 and 12, as amended, are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

Date: July 29, 2003

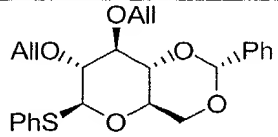
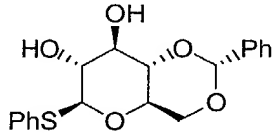
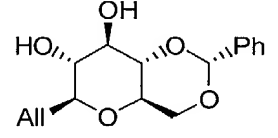
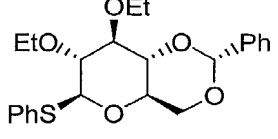
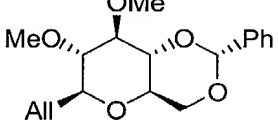
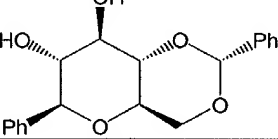
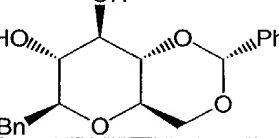


Kent A. Herink
Registration No. 31,025
DAVIS, BROWN, KOEHN,
SHORS & ROBERTS, P.C.
666 Walnut St., Suite 2500
Des Moines, Iowa 50309
Telephone: (515) 288-2500

ATTORNEYS FOR APPLICANT

Attachments: Replacement pages 14 and 15

KPE00001016.1		-PhS	-Me	-Me	-ester-C10-alkenyl- ester-	
KPE00001016.2		-PhS	-Me	-Me	-ester-C10-alkenyl- ester-	
KPE00001011		-SPh	-Me	-Me	-OH	-OH
KPE00001015		-Ph	-Me	-Me	-OCH(Ph)O-	
KPE00001019		-Bn	-Me	-Me	-OCH(Ph)O-	
KPE00001020		-Bn	-Me	-Me	-OH	-OH
KPE00001044		-SPh	-Bn	-Bn	-OCH(Ph)O-	
KPE00001045		-SPh	-Me	-Me	-OCH(Ph)O-	

KPE00001046		-SPh	-All	-All	-OCH(Ph)O-
KPE00001048		-SPh	-H	-H	-OCH(Ph)O-
KPE00001049		-All	-H	-H	-OCH(Ph)O-
KPE00001050		-SPh	-Et	-Et	-OCH(Ph)O-
KPE00001051		-All	-Me	-Me	-OCH(Ph)O-
KPE00001052		-Ph	-H	-H	-OCH(Ph)O-
KPE00001053		-Bn	-H	-H	-OCH(Ph)O-

Depending on the structure and functionality of these new synthesised molecules, a different and also selective biological activity can be observed. This structured modification also allows overcoming of the resistance of some micro-organisms to antimicrobial products, e.g., using a lactam bond instead of a lacton bond to close the macrocyclic ring (KPE00001041). The biological activity, synthesis, purification, analytical and spectral data of the mentioned compounds are further described below.